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ADVANCED CLUSTER SYSTEMS, INC.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ADVANCED CLUSTER SYSTEMS, INC.,

Movant,

v.

INTERNATIONAL BUSINESS MACHINES  
CORPORATION,

Respondent.

Case No.: 7:22-mc-224

**ADVANCED CLUSTER SYSTEMS, INC.'S  
NOTICE OF MOTION AND MOTION TO  
COMPEL INTERNATIONAL BUSINESS  
MACHINES CORPORATION'S THIRD-  
PARTY PRODUCTION AND  
DEPOSITION**

Date: TBD  
Time: TBD  
Place: TBD

NOTICE is hereby given of the filing of this motion pursuant to Rules 37 and 45 of the Federal Rules of Civil Procedure by Movant Advanced Cluster Systems, Inc. (“ACS”). This Motion (the “Motion”) seeks an Order to compel third-party International Business Machines Corporation (“IBM”) to produce documents it already agreed to produce (responsive to at least Request Nos. 1, 2, and 7–10) and make a witness available for deposition on Topics 7–12, pursuant to Rule 45 subpoenas served in connection with a patent infringement case pending in the United States District Court for the District of Delaware, Case No. 1:19-cv-02032-MN-CJB (the “ACS v. NVIDIA Litigation”).

ACS supports this motion with the following Memorandum of Points and Authorities and the declaration of Marko R. Zoretic (Zoretic Decl.”).

Dated: August 18, 2022

Respectfully submitted,

/s/ Marko R. Zoretic

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on August 18, 2022, the foregoing was electronically filed with the Court via CM/ECF and served upon the following via electronic mail and U.S. Mail:

International Business Machines, Corp. c/o Russell DeClerck russell.declerck@hoganlovells.com Hogan Lovells US LLP 390 Madison Avenue, New York, NY 10017 Tel.: (212) 918 3000	<i>Counsel for Third-Party International Business Machines, Corp.</i>  <i>VIA E-MAIL and U.S. MAIL</i>
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